



Department of Pesticide Regulation



Mary-Ann Warmerdam
Director

Arnold Schwarzenegger
Governor

**Mariposa County
Pesticide Regulatory Program
2006/2007 Performance Evaluation Report**

**California Environmental Protection Agency
Department of Pesticide Regulation
1001 I Street
Sacramento, California 95814**

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Performance Evaluation of the Mariposa County Agricultural Commissioner Pesticide Use Enforcement Program

This report provides a performance evaluation of Mariposa County Agricultural Commissioner's (CAC's) Pesticide Use Enforcement (PUE) program for the fiscal year 2006-2007. The assessment evaluates the performance of goals identified in the CAC's enforcement work plan as well as the program's adherence to the Department of Pesticide Regulation (DPR) standard as described in the Pesticide Use Enforcement Standards Compendium.

I. Summary Report of Core Program Elements

Throughout the fiscal year, the core areas of Mariposa County pesticide enforcement program were evaluated: restricted materials permitting, compliance monitoring, and enforcement response. The report findings are based on field observations, review of county records, interviews of relevant staff, and an evaluation of pesticide use and illness investigations for the fiscal year 2006/2007.

A) Restricted Materials Permitting:

The restricted materials permitting program element was found to meet DPR standards and work plan goals.

B) Compliance Monitoring:

The compliance monitoring program element was found to meet DPR standards and work plan goals.

C) Enforcement Response:

The enforcement response program element was found to meet DPR standards and work plan goals.

Summary Statement:

Mariposa CAC's pesticide use program is currently effective.

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting:

1) Permit Issuance

Mariposa County uses the Restricted Materials Permit Program (RMPP) to issue permits. Staff interviews the restricted materials permit applicants to determine if they have met the requirements to hold a restricted materials permit, and are the operators of the property. If they are not the operators of the property, a letter of authorization is required to be in possession of the applicant prior to the issuance of the permit.

If the applicant possesses a Private Applicator Certificate or a Qualified Applicator License, the numbers are verified and listed on the restricted materials permit.

Maps are used to help evaluate the surrounding environment and identify sensitive sites, such as, schools, residential areas, waterways, and parks. Restricted materials permits are amended in person. When a permit is amended, it is entered into the RMMS program; a new permit is printed, signed and attached to the original permit.

The Mariposa County Agricultural Commissioners office only issues restricted materials permits for a one-year period. Approximately 10 restricted materials permits and 44 Operator I.D.s were issued in 2007.

The DPR evaluation determined that permits are:

- Issued only to qualified applicants
- Signed by operator of the property or authorized persons
- Issued for a one year time period
- Permit amendments follow approved procedures

2) Site Evaluation

When restricted materials permits are being issued all permit conditions are reviewed that may apply to the pesticides on the permit, and the permit is conditioned accordingly. The CAC staff evaluates permits to determine if practical mitigation measures could be implemented, or if the use of feasible alternatives is required.

The permits:

- Contained the necessary information
- Identified treatment areas and sensitive areas that could be adversely impacted by the permitted uses
- Identified mitigation measures and included conditions that addressed known hazards

Notices of intent (NOI) are received by fax, mail, drop box located in the main office, and walk-ins. All notices of intent are reviewed by licensed pesticide enforcement staff who check NOIs against the restricted materials permit. Licensed staff has the authority to accept or deny notices of intent. The operator of the property and the pest control business are notified when the notice of intent is denied. Twelve notices of intent were reviewed and processed in 2006/2007.

The program reviews all notices of intent in a timely manner, and adequately monitored agricultural and non-agricultural permits utilizing pre-application site evaluations and use monitoring inspections.

B) Compliance Monitoring:

1) Inspections

Mariposa County's pesticide use enforcement staff possess licenses in Pesticide Regulation and Investigation and Environmental Monitoring.

Staff conducting pesticide use inspections issue a violation notice for any criteria item marked "No" on the inspection form. When worker safety non-compliances are found during an inspection, the biologist conducts a headquarters/employee safety inspection and any required follow-up inspections. The biologist also reviews the compliance history for the firm/person inspected. The Agricultural Commissioner is responsible for preparing the case file and notice of proposed action.

Inspections performed by the CAC were found to:

- Adequately address label, law and regulatory requirements
- Include interviews of employers and employees
- Adequately document violations
- Include appropriate follow-up inspections and procedures

2) Investigations

The Mariposa County Agricultural Commissioner follows up on all complaints. All incidents or complaints associated to pesticides are investigated, and written reports are made on each case and completed in a timely manner. The CAC refers and/or notifies DPR and other agencies as required.

Investigations are thorough, complete, submitted on approved forms, and in the approved format. The investigations document violations, and evidence is collected according to DPR standards. The investigations provide the information necessary to successfully prosecute violations. A complaint log is maintained and made available to the liaison for review.

C) Enforcement Response:

When non-compliances are found during inspections and investigations, Mariposa County Pesticide Enforcement staff issue violation notices. The Commissioner reviews the compliance history of each respondent, and utilizes the pesticide enforcement response regulations to determine if enforcement action is warranted. The inspector conducts a follow-up inspection, which includes a headquarter employer/employee inspection when worker safety non-compliances are found. Enforcement actions are taken when violations are found on incidents involving drift, pesticide related illnesses, or when required by the pesticide enforcement response regulations. When enforcement actions are not taken, a decision report is written listing the violations found, classification, the respondent's history and an explanation.

The CAC enforcement program was found to:

- Initiate the appropriate action when violations are identified
- Sufficiently support compliance, enforcement and public protection actions

III. Recommended Corrective Actions

No corrective actions are currently needed.

IV. Non-Core and Desirable Activities

A) Outreach and Training

Each year, the Mariposa County Agricultural Commissioner's office provides pesticide safety training to workers, growers, pesticide applicators, and pest control businesses. The courses include information on pesticide safety, first aid, container disposal, heat stress, how to read and understand pesticide labels, and updates on pesticide laws and regulations.

Mariposa County continues to send updates pertaining to the Healthy Schools Act of 2000 to the Superintendent of Schools, and all schools in Mariposa County.